

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JORGE A. TORRES, JR.,

Petitioner,

-against-

18 **CIVIL** 9555 (KMK)

JUDGMENT

UNITED STATES DEPARTMENT OF
STATE,

Respondent.

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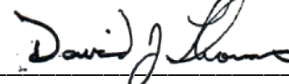
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 27, 2020, Respondent's motion to dismiss is granted. Although a "pro se plaintiff should generally be afforded an opportunity to amend his complaint prior to its dismissal for lack of subject matter jurisdiction," the Court is not required to grant leave to amend when doing so would be futile. *Jinbin Wu v. Johnson*, No. 16-CV-4523, 2018 WL 1115215, at *4 (E.D.N.Y. Feb. 27, 2018) (italics and quotation marks omitted) (citing *Baker v. New York State*, 128 F. App'x 185, 186 (2d Cir. 2005)). "Repleading would be futile here because the defect in subject matter jurisdiction does not appear to be curable." *Id.* (citation and quotation marks omitted) thus, judgment is entered for Respondent, and this case is closed.

Dated: New York, New York
March 29, 2020

RUBY J. KRAJICK

BY:

Clerk of Court



Deputy Clerk